

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3394 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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GHANSHYAM C BRAHMBHATT

Versus

GULF EDUCATION SOCIETY

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Appearance:

None present for Petitioner  
MR RAJNI H MEHTA for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/08/1999

ORAL JUDGEMENT

#. Heard learned counsel for the respondent and perused  
the Special Civil Application.

#. A short note is filed by Barrister Mr.R.H.Mehta, the

learned counsel for the respondent O.N.G.C.

#. The services of the petitioner were terminated under the order dated 18/7/83 Annexure-I. This order was stayed by this court only upto academic year 1983-84. Barrister Mr. Mehta states that thereafter interim order was not continued and the petitioner is not in service. He states that the school has already been closed w.e.f. 4/1/89. It is brought to the notice of the court that the petitioner has already been appointed as a Deputy Mamlatdar in the Revenue Department of the State of Gujarat in the year 1984 and further has been promoted to the post of Deputy Collector. Barrister Mr. Mehta states that in December, 1997 the petitioner approached to the respondent and he proposed to withdraw this petition but on certain terms and condition, to which the O.N.G.C. was not agreeable.

#. In view of these facts which have been brought on the record, I am satisfied that nothing now substantially survives in this Special Civil application. The petitioner after having been appointed as Deputy Mamlatdar and promoted to the post of Deputy Collector otherwise would have no right to continue as a teacher. Not only this after his selection on the post of Deputy Mamlatdar he himself would have resigned from the post. Moreover, this school has also been closed. Absence of the petitioner or his counsel also shows that the petitioner has no interest in this litigation.

#. Taking into consideration the totality of the facts of this case, the Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. However, dismissal of this petition will not come in the way of the petitioner and will relieve of the respondent O.N.G.C. from its liability to pay to the petitioner whatsoever the amount of C.P.F. is lying with it in his account. No order as to costs.

(S.K.Keshote, J.)

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